

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MILLER & SON PAVING, INC.,	:	
Appellant,	:	CIVIL ACTION
v.	:	No. 15-4869
	:	
TEAMSTERS PENSION TRUST FUND OF	:	
PHILADELPHIA AND VICINITY,	:	
Appellee.	:	

MCHUGH, J.

SEPTEMBER 14, 2016

ORDER

This 14th day of September, 2016, upon consideration of the Cross-Motions for Summary Judgment filed by the parties, it is hereby **ORDERED** that the Motion for Summary Judgment filed by Appellant Miller & Son Paving, Inc., is **DENIED** and the Motion for Summary Judgment filed by Appellee Teamsters Pension Trust Fund of Philadelphia and Vicinity is **GRANTED** on the merits, but **DENIED** as to its request for attorney's fees.

/s/ Gerald Austin McHugh
United States District Judge